



In Confidence  
Mr Michael Jones



31 December 2013

Dear Mr Jones

### Your complaint about Guy's and St Thomas' NHS Foundation Trust

Joslyn Gooding wrote to you on 12 December 2013 to say that we would review our decision not to set aside our time limit in order to look at your complaint. That review is now complete. I have considered carefully your concerns set out in your letter of 25 November 2013 to the Review Team, as well as your emails of 27 and 30 December 2013 to me. I am writing to explain why I think that our decision was correct.

You say that we appear to have slightly misunderstood your complaint. You explain that your complaint to us was that Guy's and St Thomas' NHS Foundation Trust (the Trust) had failed to notify you or the referring physician of '*evident anomalies*' on your MRI scan, whereas we have summarised your complaint as being that the Trust did not identify implants in your neck. I am sorry for this misunderstanding, but I am satisfied that it did not affect our decision on your complaint.

You say you agree with our view that your suspicions about the implants seemed to be confirmed when you viewed the MRI scans in 2010, but you argue that you had no neurological training and no expert corroboration with which to pursue a complaint at that time. You also argue that the expectations of reasonableness we have referred to in our decision do not apply to your case in the same way that they would in a routine complaint. You then go on to explain your personal circumstances between 2010 and 2012, which you say meant you were unable to put a complaint to the Trust until March 2013.



Millbank Tower  
Millbank  
London SW1P 4QP

Enquiries: 0345 015 4033  
Fax: 0300 061 4000  
Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

I think we were right to take the view that you were sufficiently aware of your concerns about implants in 2010 to be in a position to put a complaint to the Trust at that time. It was not necessary for you to have medical training or to obtain expert corroboration in order to do so. Whilst I understand that this was a difficult time for you, it is clear from your correspondence that you were able to carry out your own investigations during 2011 and 2012. I therefore feel it is reasonable to expect that you could also have put a complaint to the Trust much sooner than you did. In the circumstances, I do not think your personal situation provides a good enough reason for us to set aside our time limit.

I am sorry this is not the outcome that you will have hoped for. However, my decision means that we will not be taking any further action on your complaint. For this reason we will not reply to anything else you send us on this matter, unless we decide some action is needed. I hope you will accept that I have taken my decision only after a careful review of your case.

Yours sincerely

  
PP Philip Vautier  
Reviewer